

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:) Group Art Unit: 2623
Smith, et al.) Examiner: Salce, Jason P.
Serial No.: 08/990,973) Confirmation No. 1916
Filed: December 15, 1997) Docket No.: A-4251 (191930-1050)
For: Interactive Subscription Television)
Terminal)

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed December 18, 2006 has been carefully considered. In response thereto, please consider the following remarks.

It is not believed that additional extensions of time or fees are required to consider this Reply Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account 20-0078.

REMARKS

In the Examiner's Answer, the Examiner has provided various responses to arguments contained in Applicant's Appeal Brief. Applicant addresses selected responses in the following.

In the Appeal Brief, Applicant has presented an example to demonstrate why the cited references, namely *Boulton*, do not disclose elements of the claims. In one example, if a reader using the system of *Boulton* is on page 350, for example, and wants to access page 4, the system of *Boulton* will not have indicated that page 4, a page that is not directly accessible, is not to be deleted from memory. According to *Boulton*, when a reader is on page 350, page 4 will have been deleted to maximize the use of RAM. If *Boulton, arguendo*, had disclosed each element of the independent claims, page 4 of the example would not have been deleted. Instead, there would have been an indication that page 4, a page not directly accessible from page 350, is not to be deleted from memory. The fact that some pages that are not directly accessible happen to be saved in *Boulton* does not demonstrate a disclosure of the language of the claims. In fact, *Boulton* teaches away from saving screens that are outside of a particular range regardless of whether the screens are directly accessible or not. In *Boulton*, a determination of whether a page is directly accessible is not a factor in deciding whether to indicate that a screen is not to be deleted for storage purposes. The proximity of the page is the only factor used in *Boulton*. For at least these reasons, *Boulton* does not disclose each element of the independent claims, the rejection of the claims over *Boulton* should be withdrawn, and the claims should be allowed.

CONCLUSION

Based upon the foregoing discussion, Applicant respectfully requests that the Examiner's final rejection of claims 27-54 be overruled and withdrawn by the Board, and that the application be allowed to issue as a patent with all pending claims.

Respectfully submitted,

/BAB/
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